

JPW

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Haensch et al.

Examiner: Tran, Thanh Y.

Serial No: 10/713,447

Group: Art Unit 2822

Filed: November 14, 2003

Docket: YOR920030384US1 (8728-648)

For: **CMOS WELL STRUCTURE AND METHOD OF FORMING SAME**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA. 22313

RESPONSE TO RESTRICTION REQUIREMENT

In response to the Office Action dated May 3, 2005, Applicants provisionally elect, with traverse, Species I: Figures 1-11, which is covered by claims 1-32.

Applicants traverse the rejection on various grounds. For instance, no explanation has been provided to support the basis for the restriction. It is incumbent on the Examiner to provide a reasonable basis for the restriction. Moreover, as set forth in MPEP § 803, if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though the application contains claims to independent and distinct inventions.

CERTIFICATE OF MAILING 37 C.F.R. § 1.8(a)

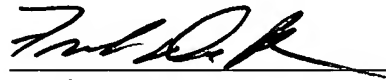
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage paid in an envelope addressed to : Commissioner for Patents, P.O. Box. 1450, Alexandria, VA 22313-1450 on the date indicated below.

Dated: 7/5/05


Frank V. DeRosa

While the inventions of Species I and II may be distinct (although Examiner has provided no supporting explanation in this regard), it is respectfully submitted that simultaneous examination of Species I and II will not present a serious burden. Indeed, the inventions of Species I and II are related to the extent that they would be commonly classified. Under such conditions, there would be no serious burden on Examiner to simultaneously search and examine commonly classified claims of Species I and II, especially since Species II are currently covered by two claims 33 and 34. Under such circumstances, it is respectfully requested that Examiner maintain all claims in the same application.

Respectfully submitted,



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